

Emergency Ordinance no. 75/2005 on education quality assurance

Emergency Ordinance 75/2005 of 2005.07.20 Status: Acts in force

Version of: 01 April 2021

Comes into force on:

20 July 2005 Year

Emergency Ordinance no. 75/2005 on education quality assurance

Document date: 12 July 2005

Issuer: Government

Taking into account the need for education quality assurance by establishing the legislative framework that allows the development of an institutional culture of education quality and protection for the beneficiary of education,

taking into account the need to change the current situation, when Romania is among the very few European countries which do not have a regulated education quality assurance mechanism,

taking into account art. 141 let. s) of the Education Law no. 84/1995, republished, as further amended and supplemented, on the grounds of art. 115 para. (4) of the Romanian Constitution, reissued,

The Government of Romania enacts this emergency ordinance.

CHAPTER I: General provisions

Art. 1

- (1) This emergency ordinance shall regulate education quality assurance.
- (2) The provisions of this ordinance shall apply to all education-providing organisations operating on the Romanian territory, as well as to the Romanian education-providing organisations legally operating on the territory of other states, according to the relevant regulations in force.

Art. 2

For the purpose of this emergency ordinance:

- a) education pertains to the initial and continuous academic or vocational training programmes and activities.
- b) an education-providing organisation is an educational institution. Education-providing organisations may also be other legal entities which, according to their by-laws, carry out education

activities based on legally authorised initial and continuous training programmes;

- c) study programmes are the actual form of the educational provision of an education providing organisation;
- d) the direct beneficiaries of education are pre-schoolers, pupils, and students, as well as adults enrolled in any type of education;
- e) the indirect beneficiaries of education are employers, employees, the families of the direct beneficiaries and, in a broader sense, the entire society;
- f) the national qualification framework includes progressively and in a correlated manner degrees, diplomas or study certificates which attest the distinct qualification levels as expressed in terms of learning results. The national qualification framework is correlated to the relevant European framework.

Art. 3

- (1) The quality of education is the set of features of a study programme and of its provider, by which the beneficiaries' expectations, as well as the quality standards are met.
- (2) Education quality evaluation consists in the examination, based on several criteria, of the extent to which an education-providing organisation and its programmes meet the standards and the reference standards. When quality evaluation is performed by the education-providing organisation itself, it takes the form of internal evaluation. When quality evaluation is performed by a specialised national or international agency, it takes the form of external evaluation.
- (3) Education quality assurance is accomplished by a set of actions aimed to develop the institutional capacity to draft, plan, and implement study programmes by which the beneficiaries acquire the trust that the education-providing organisation meets the quality standards. Quality assurance expresses the capacity of an education-providing organisation to provide educational programmes in compliance with the set standards. This is promoted so that it leads to the continuous improvement of the quality of education.
- (4) Education quality control in preschool, primary, secondary, vocational, high school and post-secondary education units entails operational activities and techniques applied systematically by an inspection authority appointed to check compliance with the pre-set standards.
- (5) Education quality improvement entails continuous evaluation, analysis and corrective action on the side of the education-providing organisation, based on selecting and adopting the most appropriate procedures, as well as on choosing and enforcing the standards of reference.

Art. 4

- (1) The accreditation of the education-providing organisations and their study programmes is part of the quality assurance process.
- (2) Accreditation is the quality assurance modality that certifies compliance with the standards for the operation of education-providing organisations and their study programmes.

Art. 5

- (1) Education quality is a permanent priority for any education-providing organisation, as well as for its employees.
- (2) Quality is fundamental criterion for funding education from public sources. Within the higher

education system, comparative interinstitutional evaluation of the higher education study programmes results in differentiated funding, according to the different quality of the programme provided.

- (3) Education providers should operate so that they can satisfy public trust by the quality of their programmes, while education stands up as a public asset.
- (4) The education quality assurance policies in Romania are continuously correlated to the actions promoted internationally.

Art. 6

[the text of Art. 6 of chapter I was repealed on 16 April 2006 by Art. 1, point 5 of Law 87/2006]

CHAPTER II: Education quality assurance methodology

Art. 7

- (1) Education quality assurance is mainly outcome-oriented.
- (2) Outcomes are expressed as knowledge, competences, values, and attitudes, which are acquired by attending and completing an education level or a study programme.
- (3) The outcomes obtained during a doctoral programme are also expressed by the quality of the outcomes of the scientific research carried out under that programme by PhD students and by PhD advisors.

Art. 8

- (1) **The education quality assurance methodology includes the following components:**
 - a) criteria;
 - b) standards and standards of reference;
 - c) performance indicators;
 - d) qualifications.
- (2) **Education quality is assured by the following processes:**
 - a) planning and effectively achieving the expected learning outcomes; b) outcome monitoring;
 - b) internal evaluation of outcomes;
 - c) external evaluation of outcomes;
 - d) [the text of Art. 8 para. (2) letter E. of chapter II was repealed on 16 April 2006 by Art. 1, point 8 of Law 87/2006]
- (3) **The components and processes of quality assurance and the relations between them are differentiated depending on:**
 - a) the education level and the qualification level, as applicable;
 - b) the type of education-providing organisation;
 - c) the type of study programme.

Art. 9

For the purpose of this emergency ordinance:

- a) A criterion refers to a fundamental aspect of the organisation and operation of an education-providing organisation.
- b) A standard is the description of the requirements formulated in terms of rules or results, which define the minimum mandatory level of achievement of an educational activity.
- c) The reference standard is the description of the requirements that define an optimal level of performance of an activity by an education-providing organisation, based on the existing best practices at national, European, or global level.
- d) The performance indicator is a tool for measuring the extent of performance of an activity carried out by an education-providing organisation by reference to standards, and standards of reference, respectively.
- e) Qualification is the learning outcome obtained by taking and completing a vocational or university study programme.

Art. 10

Education quality assurance concerns the following areas and criteria:

A. The institutional capacity, resulting from the internal organisation of the available infrastructure, defined by the following criteria:

- a) institutional, administrative, and managerial structures;
- b) the material base and the optimisation of the use of the material base;
- c) human resources and the capacity of the institution to attract human resources from outside the institution and from abroad, in compliance with the law;

B. Educational effectiveness, which consists in mobilising resources in order to achieve the expected learning results, materialised by the following criteria:

- a) content of the study programmes;
- b) learning outcomes;
- c) employability;
- d) the financial activity of the organisation;

C. Quality management, which is materialised by the following criteria:

- a) quality assurance strategies and procedures;
- b) procedures for the initiation, monitoring, and periodic review of the programmes and activities performed;
- c) objective, transparent procedures for evaluating learning outcomes, including by the students;
- d) procedures for periodic evaluation of the quality of the teaching staff;
- e) accessibility of adequate learning resources;
- f) systematically updated database on internal quality assurance;
- g) the transparency of information of public interest, including those regarding the study programmes and the certificates, diplomas and qualifications provided, as applicable;
- h) the functionality of the education quality assurance structures, according to the law.
- i) accuracy of the reporting required by the legislation in force.

Art. 10¹

- (1) ARACIP performs external evaluation for the purpose of providing provisional authorising/accreditation/maintaining the accreditation in the public pre-university education system, as per art. 10 pt. A let. b), without checking whether a fire safety permit and a sanitary operation permit were issued.
- (2) The administrative-territorial units, as owners of buildings on the local or county public domain, as applicable, are held to ensure the obtaining and maintenance of the fire safety permit and the sanitary operation permit for public pre-university education units or their organisational components.

CHAPTER III: Internal quality assurance in education

Art. 11

- (1) An Evaluation and quality assurance commission shall be established in every education-providing organisation in Romania.
- (1¹) In the case of integrated study programmes provided by two or more universities, quality assurance refers to the areas and criteria established at European level by the European Approach to Quality Assurance of Joint Programmes, approved by the Ministers of Education of the countries in the European Higher Education Area, hereinafter referred to as the European approach.
- (2) The education-providing organisation shall draw up and adopt the strategy and the operating regulations for the commission.
- (2¹) The operative management of the commission is ensured by the leader of the organisation or by a coordinator designated by him.
- (3) The leader of the organisation is directly responsible for the quality of the education provided.
- (4) The membership of the Evaluation and quality assurance commission in pre-university education units includes:**
 - a) 1-3 representatives of the teaching staff, elected by secret ballot by the teachers' council;
 - b) a representative of the representative union, appointed by it;
 - c) a parents' representative, in the case of preschool, primary, secondary or high school education;
 - d) a pupils' representative, in the case of vocational, high school and post-secondary education;
 - e) a representative of the local council;
 - f) a representative of the national minorities, as applicable, among the teaching staff, the parents' or the pupils' representatives.
- (5) The membership of the Evaluation and quality assurance commission in higher education institutions includes:**
 - a) 1-3 representatives of the teaching staff, who meet the criteria for acquiring the status of associate professor, established by order of the minister of education, research, youth, and sports pursuant to art. 219 para. (1) let. a) of the National Education Law no. 1/2011, elected by secret ballot by the university senate;
 - b) a representative of the representative union, appointed by it;
 - c) 1-2 students' representatives, appointed by student organisations.

- (6) An employers' representative may also be part of the commission.
- (7) A minorities' representative among teachers or students may also be part of the commission.
- (8) For any education-providing organisation, other than an education institution, the membership of the Evaluation and quality assurance commission includes the following categories:**
 - a) 1-3 representatives of the provider;
 - b) 1-3 representatives of the direct beneficiaries;
 - c) 1-3 employers' representatives.
- (9) The commission members may not hold management positions in the educational institution or in that organisation, except for the person who ensures its operative management.

Art. 12

The Evaluation and quality assurance commission shall have the following tasks:

- a) coordinate the application of evaluation and quality assurance procedures and activities approved by the management of the education-providing organisation according to the areas and criteria provided in art. 10;
- b) draft an annual internal evaluation report on the quality of education in that organisation. The report is provided to all beneficiaries by displaying or publishing it;
- c) makes proposals to improve the quality of education.

CHAPTER IV: External evaluation of education quality

Art. 13

The external evaluation of education quality consists in:

- a) evaluation of the institutional capacity of the education-providing organisation;
- b) evaluation of the educational effectiveness of the education-providing organisation;
- c) evaluation of the quality management at institutional level;
- d) evaluation of the quality of the study programs provided;
- e) evaluation of the concordance between the internal evaluation and the actual situation;
- f) comparative inter-institutional evaluation of the same type of study programme provided by different education-providing organisations.

Art. 14

(1) The Romanian Agency for Quality Assurance in Higher Education, hereinafter referred to as ARACIS, and the Romanian Agency for Quality Assurance in Pre-University Education, hereinafter referred to as ARACIP, are established by this emergency ordinance, for the purpose of performing external evaluation of education quality.

(2)[the text of Art. 14 para. (2) of chapter IV was repealed on 09 February 2011 by Art. 361, para. (2) of title VII of Law 1/2011]

Art. 15

(1) **The organisation chart of ARACIS and ARACIP comprises:**

- a) the accreditation department;
 - b) the external quality evaluation department.
- (2) For the evaluation and accreditation of organisations providers of continuous education and their programmes, the national agencies may establish specific departments.

Art. 16

- (1) ARACIS is an autonomous public institution of national interest, a legal entity that runs its own income and expenditure budget.
- (2) The headquarters, organisational chart, and operating regulations of ARACIS shall be established by a decision of the ARACIS Council, within 60 days.

Art. 17

(1) **ARACIS has the following duties in terms of accreditation:**

- a) periodically drafts the accreditation methodology and standards for the various types of higher education programmes and providers, which shall be endorsed by the Ministry of Education and Research and approved by Government decision;
- b) evaluates, on the basis of the standards and methodology approved by Government decisions, upon request or on its own initiative, and proposes the authorising or the accreditation of higher education providers and their study programmes. Based on the accreditation reports, the Ministry of Education and Research shall draft the normative acts for establishing higher education structures.
- c) upon request, evaluates joint study programmes based on the standards and methodologies established at European level through the European approach and proposes the accreditation / non-accreditation of such programs.

(2) **ARACIS has the following duties related to quality assurance:**

- a) regularly, based on best practices, formulates and reviews national reference standards and performance indicators for quality evaluation and assurance in higher education;
- b) collaborates with the Ministry of Education and Research and with ARACIP to draft and to promote policies and action strategies to increase the quality of education in Romania;
- c) organises annual consultations with higher education institutions to establish the priorities in quality assurance;
- d) develops and publishes its own procedures for external quality evaluation in education;
- e) concludes service contracts with national and foreign education institutions for the external evaluation of the quality of education programmes and providers specific to higher education, and for the inter-institutional evaluation of similar programmes;
- f) carries out quality evaluation of higher education programmes and institutions, upon the request of the Ministry of Education and Research. The terms for carrying out the evaluation activity are established by contract;
- g) publishes the results of external evaluations;
- h) publishes manuals, guides, summaries of best practice in quality evaluation and quality assurance;

- i) periodically (every 3 years) drafts system analyses on the quality of higher education in Romania;
 - j) works with similar agencies in other countries to develop and implement efficient measures for the improvement of the quality of higher education programmes;
 - k) develops the Code of Conduct of the ARACIS experts;
 - l) publishes an annual report on its own activity;
 - m) every 3 years, it drafts reports on the self-assessment of the quality of its own activity, in order to prepare the external evaluation by similar agencies from other countries.
- (2¹) ARACIS may conclude collaboration agreements with EQAR-registered quality assurance agencies for the purpose of performing education quality evaluation.
- (3) ARACIS also carries out the responsibilities provided by Law no. 1/2011, as further amended and supplemented.

Art. 18

ARACIS has the following rights while performing its responsibilities:

- a) to use external collaborators, from Romania or from abroad, employees under civil contract, experts in the activity field of ARACIS, remunerated pursuant to the law;
- b) to constitute, based on a transparent methodology and using competence and competitiveness criteria, its own register of evaluators, whom it shall train on a methodological basis and delegate for performing external quality evaluation missions;
- c) to check, at the end of the evaluation mission, compliance with the evaluation methodology applied by the evaluators;
- d) to inform the evaluated institution and the Ministry of Education, Research, Youth, and Sports on the results of the external evaluation.

Art. 19

- (1) [the text of Art. 19 para. (1) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (2) [the text of Art. 19 para. (2) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (3)[the text of Art. 19 para. (3) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (4)[the text of Art. 19 para. (4) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (5) [the text of Art. 19 para. (5) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (6) [the text of Art. 19 para. (6) of chapter IV was repealed on 14 September 2011 by Art. 1, point 12 of Emergency Ordinance 75/2011]
- (7) A member mandate on the ARACIS Council is 4 years.
- (8) Every 4 years, the ARACIS Council is renewed by organising a public contest, as a rule, for 1/3 of the number of member mandates on the ARACIS Council. The mandates shall be taken based on the Council's own procedure, in compliance with art. 191 para. (5). The new Council shall elect

its president and vice-president.

(9) The interim Council proceedings are attended by 2 representatives of the students' associations as observers.

Art. 19¹

(1) ARACIS is led by a 21-member Council, of which:

a) 17 members are teachers with teaching positions in the higher education system who usually represent the university study domains;

b) 2 students, representatives of the students' federations in Romania, reappointed at the beginning of each academic year;

c) an employers' representative;

d) a representative of the trade union in higher education, which has the greatest number of members;

e) the representatives mentioned in let. b)-d) are nominated based on a methodology approved by the ARACIS Council and published by order of the Minister of Education and Scientific Research in the Official Gazette of Romania, Part I.

(2) The ARACIS members are selected according to criteria of professional and moral prestige, on principles of professional and scientific competence.

(3) The ARACIS Council shall be organised and operate independently of any ideological, political, or religious interference.

(4) The ARACIS Council shall be chaired by a President and a Vice-President, elected by secret ballot by a majority of the Council members.

(5) The members of the ARACIS Council are selected by competition, according to the Council's own procedure published before the beginning of the selection.

(6) The members of the ARACIS Council are tenured university professors or associate professors, with an individual employment contract concluded for an indefinite period, with experience in education quality assurance.

(7) Rectors may not be members of the ARACIS Council while they are in office. If a member of the ARACIS Council becomes a rector, he loses his mandate as an ARACIS Council member as of the date of confirmation by order of the Minister of Education, Research, Youth and Sports, according to art. 211 par. (1) of Law no. 1/2011, as further amended and supplemented.

(8) The persons who hold public office may not be members of the council while in that office. If a member of the ARACIS Council is appointed on public office, he shall lose his mandate as a member of the ARACIS Council as of the date of his appointment.

(8¹) A person may be a member of the ARACIS Council for two terms.

(9) The mandates of members of the ARACIS Council which become vacant shall be occupied according to the procedure provided at par. (5), for the remaining period of each vacant term.

(10) Expert evaluators of ARACIS can be tenure-holding teachers or teachers who continue their teaching activity with the approval of the university senate, holding the degree of associate professor or university professor, with experience in education quality assurance. Students and employers' representatives may also participate in the evaluation commissions.

- (11) If the institution or the study programme subject to evaluation employs one or several members of the ARACIS Council or spouses, relatives or kins up to the third degree, those members of the ARACIS Council shall not participate in those evaluation procedures.
- (12) If the institution or study programme subject to evaluation employs one or more ARACIS members (evaluators) or their spouses or relatives up to the third degree, those ARACIS members shall not participate in the evaluation procedures.

Art. 20

To fulfil its objectives, ARACIS shall take over the patrimony, all the rights and obligations, the logistic infrastructure, the technical staff, and the database of the National Council of Evaluation and Academic Accreditation. The responsibilities of the National Council for Evaluation and Academic Accreditation shall be transferred to the Accreditation Department within ARACIS, within maximum 6 months from the date of entry into force of the law approving this emergency ordinance.

Art. 21

- (1) ARACIS is fully funded through its own revenues.
- (2) **The own funds of ARACIS come from:**
- a) revenues from quality evaluation service contracts, concluded including with the Ministry of Education and Research;
 - b) fees for authorising and accreditation of higher education institutions on study programmes, as proposed by ARACIS and approved by Government decision;
 - c) external quality evaluation fees established by ARACIS and approved by Government decision;
 - d) external non-reimbursable funds, obtained by participating in international programmes, donations, sponsorships, as well as other legally constituted sources.

Art. 22

- (1) ARACIS shall take the necessary steps to register with the European Quality Assurance Register for higher education quality assurance agencies.
- (2) ARACIS is subject to periodic international accreditation procedures.

Art. 23

- (1) Accredited Romanian higher education institutions have the right to request an external quality evaluation either from ARACIS or from another national or international agency registered in the European Quality Assurance Register for higher education quality assurance agencies.
- (2) ARACIS has the obligation to meet and comply with the quality assurance standards based on which the member entities of the European Quality Assurance Register operate, as well as to acquire membership in this register.
- (3) Failure to comply with the obligations set in par.(2) for 2 years shall be sanctioned by suspending ARACIS' right to perform external evaluations until it re-acquires its capacity of EQAR member.

Art. 24

(1) ARACIP is a public institution of national interest, coordinated by the Ministry of National Education, with legal personality, self-financed, having its own revenues and expenditures budget.

(2) The headquarters, the organizational structure and the internal regulation of ARACIP shall be established by Government decision.

(3) ARACIP has the following duties:

a) drafts, periodically updates and proposes to the Minister of Education and Research the standards, reference standards and the performance indicators for evaluation and quality assurance in pre-university education, which shall be approved by Government decision;

b) drafts and proposes to the Minister of Education and Research the institutional evaluation and accreditation methodology, which is approved by Government decision;

c) performs the evaluation and accreditation of pre-university education providers;

d) proposes to the Ministry of Education and Research the establishment and accreditation of pre-university education institutions for each level of education, study programme and vocational qualification, as applicable. Such institutions are established and accredited by order of the Minister of Education and Research;

e) performs, on a contractual basis, at the request of the Minister of Education and Research, the evaluation of the quality of education in the pre-university education system;

e¹) performs, on a contract basis, at the request of the Minister of National Education, the external evaluation for the purpose of awarding the provisional operation authorisation, accrediting and setting up of public pre-university education units;

f) proposes to the Minister of Education and Research the accreditation of the organisations that provide vocational training programmes;

g) together with the school inspectorates and the line directorates at the Ministry of Education, performs quality monitoring and control activities;

h) periodically (once every 5 years) performs the external evaluation of the accredited pre-university education units;

i) publishes the results of external evaluations;

j) drafts internal quality evaluation manuals, differentiated according to art. 8 par. (3), and submits them to be approved by order of the Minister of Education and Research;

k) drafts best practice guides;

l) publishes an annual report on its own activity;

m) periodically, at least every 4 years, drafts system analyses on the quality of pre-university education in Romania;

n) drafts recommendations for improving the quality of pre-university education;

o) drafts the Code of professional ethics for evaluation and accreditation experts.

(4) While fulfilling its responsibilities, ARACIP has the right to use external collaborators from Romania or from abroad, contract employees, experts in the business field of the agency, registered in the agency's own register of evaluation and accreditation experts.

(5) ARACIP has its own staff consisting of experts and administrative staff, which is employed by means of contests. Its own staff made of experts shall also include a representative of education provided in the languages of national minorities.

(6) People holding public office may not be employees of ARACIP.

Art. 25

To fulfil its objectives, ARACIP shall take over the patrimony, all the rights and obligations, the logistic infrastructure, the staff and the database of the National Commission for Evaluation and Accreditation of Pre-University Education. The functions of the National Commission for Evaluation and Accreditation of Pre-University Education shall be transferred to the Accreditation Department of ARACIP no later than 6 months from the entry into force of the law approving this emergency ordinance.

Art. 26

- (1) The Ministry of Education and Research, through its structures, shall be responsible with the control and implementation of quality assurance and improvement measures recommended by ARACIP.
- (2) Quality control in the pre-university education system shall be carried out exercised through school inspectorates and the relevant directions of the Ministry of Education and Research based on specific methodologies approved by order of the Minister of Education and Research.

Art. 27

- (1) ARACIP shall be fully financed from its own revenues, included in its own revenues and expenditure budget.

(2) The own funds of ARACIP come from:

- a) revenues obtained based on external evaluation contracts concluded with the Ministry of National Education, the local public administration authorities, organisations interested in providing education services, as defined at point 34 of the annex to the National education law no. 1/2011, as further amended and supplemented, or with the education-providing organisations, as defined in art. 2, letter b), as applicable, for the external evaluation for accreditation, as per the provisions of art. 29 para. (4), and through contracts for the periodic external evaluation every 5 years;
- b) tariffs charged for the authorising, accreditation and periodic evaluation, approved by Government decision;
- c) external non-reimbursable funds obtained by participating in international programmes;
- d) donations, sponsorships, as well as other legally constituted sources.

Art. 28

ARACIS and ARACIP shall hold meetings twice a year to decide upon intersectoral harmonisation of the policies and strategies applied in the field of evaluation and quality assurance in education.

CHAPTER V: Accreditation of education-providing organisations and study programmes

Art. 29

- (1) Any public or private legal entity interested in providing education is subject to the evaluation and accreditation process, in compliance with the law.

(2) In pre-university education, the evaluation within the two stages of accreditation is made for each education level, for each branch, profile and specialization / professional qualification, for each study programme, on each tuition language, on each form of education, on each location, as applicable, while establishing the maximal schooling capacity.

(2¹) By derogation from the provisions of par. (2) , in high school and vocational education, the external evaluation for provisional operation authorisation and/or accreditation shall be performed in the following manner for accredited education units:

a) for the theoretical branch specified at art. 31 in Law no. 1/2011, as further amended and supplemented, external evaluation shall be performed per tuition language, form of education and/or location;

b) for the vocational branch specified at art. 31 of Law no. 1/2011, as further amended and supplemented, the external evaluation shall be performed per profile, tuition language, form of education and/or location;

c) for the technological branch and the vocational education specified at art. 31-3322 of the Law no. 1/2011, as further amended and supplemented, external evaluation shall be performed per types of vocational qualifications of the same or a lower qualification level within the same profile, per tuition language, form of education and/or location.

(2²)The type of vocational qualifications within the same profile in the technological branch and in the vocational education shall be established by order of the minister of national education.

(2³)The Second Chance programme may be organised:

a) by education units which are authorised/accredited for the primary and/or secondary level of education or for qualifications corresponding to vocational or high school education;

b) by school consortiums established as per art. 62 of Law no. 1/2011, as further amended and supplemented, provided that the consortium includes at least one education unit authorised/accredited for the primary, secondary education level and for the qualifications corresponding to vocational or high school education provided by the Second Chance programme.

(2⁴)Accredited education units may set up other specialisations within the profiles already authorised to operate provisionally / accredited, as agreed by ARACIP. The procedure regarding the ARACIP agreement shall be established by order of the Minister of National Education.

(2⁵)Children's clubs and school sports clubs shall be accredited and be subject to periodic evaluation – every 5 years.

(2⁶)New clubs, or sports subjects may be established within existing children's clubs or school sports clubs based on the ARACIP agreement. The procedure regarding the ARACIP agreement shall be established by order of the Minister of National Education.

(3) In the higher education system, evaluation and accreditation shall be performed at the level of institutional structures for each programme in the bachelor's cycle, which leads to a distinct university qualification. The programmes specific to the master's and doctoral study cycles shall be subject to external evaluation for accreditation.

(4) Accreditation entails two successive stages:

a) authorising for provisional operation, which grants the right to carry out the educational process and to organise admission exams, as applicable;

b) the accreditation, which grants – along with the rights provided at let. a) – the right to issue diplomas, certificates and other study documents recognised by the Ministry of Education and Research and to organise graduation, bachelor, master, doctoral exams, as the case may be.

*) The deadlines that are binding for higher education and pre-university education providers regarding external evaluation for accreditation, stipulated in art. 29, para. (4) of Government's Emergency Ordinance no. 75/2005 on education quality assurance, approved as amended by Law no. 87/2006, as further amended and supplemented, or for maintaining accreditation, stipulated in art. 33, para. (3) of the same normative document, shall be extended by operation of the law until no later than the beginning of the 2021-2022 school/academic year.

(4¹) By derogation from the provisions of par. (4), accreditation of the master's degree programmes organised by accredited universities shall be performed per master's study domains, without going through the procedure for provisional operation authorising.

(4²) By derogation from the provisions of par. (4), accreditation of doctoral programmes organised by universities accredited in the same master's domains accredited as per par. (41) shall be performed per doctoral study domains, without going through the procedure for provisional operation authorising.

(4³) By derogation from par. (4), accreditation in the case of doctoral study programmes organised by the Romanian Academy shall be performed per doctoral study domains, without going through the procedure for provisional operation authorising, by complying with the quality standards established by ARACIS.

(5) The external evaluation for accreditation shall be initiated at the request of the education provider which intends to provide one or several initial or continuous education programmes and shall be based on a set of standards relating to the areas and criteria set out in art. 10.

(5¹) Education providers which meet the requirements for institutional accreditation shall submit a file to start the institutional accreditation procedure no later than the academic year immediately following the fulfilment of such requirements. Education providers which do not meet this deadline will go into liquidation.

(6) National standards specific for each accreditation stage, distinguished in compliance with art. 8 par. (3), the external evaluation methodologies, the timing of the accreditation process, as well as the fees charged for authorisation and accreditation are established periodically, at the proposal of the quality assurance agencies and the Ministry of Education and Research, by Government decision.

(7) By exception from the provisions of par. (6), in the case of integrated study programmes, the specific standards for each accreditation stage, the external accreditation methodology, and the timeframe of the accreditation process are those established at the European level by the European approach.

Art. 29¹

(1) In order to ensure the exercise of the fundamental right to education, upon the grounded request of parents / legal guardians, refugees, religious denominations officially recognised by the state or national minority organisations represented in the Romanian Parliament, as applicable, if the local public authorities do not properly ensure, according to the requests, the exercise of this right in the localities where they exercise their authority, the Ministry of National Education shall establish, reorganise, and create public pre-university education units with legal personality, while observing the legal provisions in force.

(2) The county or Bucharest school inspectorate, as applicable, shall analyse the applications and issue a justified endorsement within maximum 10 days from the application submission, at the request of the Ministry of National Education, according to the domicile or the residence of the potential direct beneficiaries of the education services, as defined at pt. 5 of the annex specified at

art. 365 in Law no. 1/2011, as further amended and supplemented.

- (3) By derogation from the provisions of par. (2), the justified endorsement and the analysis of the justified applications filed by the religious denominations officially recognised by the state or by the organisations of the national minorities represented in the Romanian Parliament, at the request of the parents / legal guardians, refugees, shall be drafted and performed within the Ministry of National Education by its specialised direction for tuition in the languages of national minorities, or by the relevant specialised directions, as the case may be, no later than 10 days after the registration of the application, in compliance with the legal provisions in force.
- (4) Based on the justified endorsement, a guardianship authority as defined under pt. 5111 in the annex specified at art. 365 of Law no. 1/2011, as further amended and supplemented, shall be appointed among the accredited education units, which shall conclude with ARACIP, within maximum 5 days from the appointment, a contract for the performance of the external evaluation for the provisional authorisation to operate, for the purpose of the setting up by The Ministry of National Education of a public education unit, subject to the legal provisions in force.
- (5) The guardianship authority provided at par. (4) has the obligation to draft an internal evaluation report based on the provisions of art. 10 with respect to the intention to establish for each education level, each branch, profile and specialisation/vocational qualification and for each study programme, per each tuition language, each form of education, and each location, as applicable, in order to perform the evaluation process within the procedure for provisional operation authorisation specified at art. 30, no later than 30 days from the appointment.
- (6) Funding for the expenses related to the accreditation stages provided at art. 29 par. (4) for the setting up of public pre-university education units under para. (1) shall be provided from the budget of the Ministry of National Education, in compliance with the legal provisions in force.
- (7) The guardianship authority specified at para. (4) shall exercise the relevant responsibilities for undergoing the procedure for the authorisation for provisional operation, established at art. 30 and it shall be supported for this purpose by the Ministry of National Education and by the county or the Bucharest school inspectorate, as applicable, for providing staff and for the appropriate premises for carrying out the educational process.
- (8) ARACIP has the obligation to perform the external evaluation process within the provisional operation authorising procedure specified at art. 30, no later than 20 days after submission of the internal evaluation report specified at para. (5), and propose to the minister of national education, within 5 days from completion of the evaluation, to issue the provisional operation authorising order or the order not to authorise, as applicable.
- (9) The minister of national education shall issue the order provided at para. (8) within 5 days, based on the proposal of ARACIP.
- (10) By derogation from the provisions of art. 19 para. (1) and those of art. 22 para. (3) of Law no. 1/2011, as further amended and supplemented, the order awarding the provisional authorisation to operate, specified at para. (8) is at the same time the deed for incorporating the legal entity of that public pre-university education unit, in compliance with the legal provisions in force.
- (11) The order of the Minister of National Education on the awarding of the authorisation for provisional operation and the setting up of the public education unit as a legal entity shall be communicated to the local public authority in order to have it included, de jure , in the school network of the administrative-territorial unit.

(12) The closing down of any education unit shall be carried out in accordance with the law, by order of the Minister of National Education.

(13) The education facilities established as per this article are entitled to participate in the reorganisation process, under the terms established by the methodology approved by order of the Minister of National Education.

Art. 29²

(1) The authorities of the local public administration have the right to set up public pre-university education units. The provisions of para. (3)-(5), para. (7)-(11) of art. 291 are applicable for the purpose of such setting up.

(2) Funding for the expenses pertaining to the stages of the accreditation specified at art. 29 para. (4), in the case mentioned at para. (1) shall be provided by the authorities of the local public administration, in compliance with the legal provisions in force.

Art. 30

The procedure for authorising the provisional operation of a unit includes the following activities:

a) the education provider drafts an internal evaluation report based on art. 10, for each level of education, type of study programme and qualification programme;

b) the internal evaluation report is submitted to the accreditation department of the quality assurance agency together with a request to initiate the external evaluation and provisional operation authorising procedure;

c) the accreditation department appoints a panel of evaluation and accreditation experts, which shall analyse the internal evaluation report, performs visits at the requesting institution to check compliance with the standards per the domains and criteria set forth at art. 10, and drafts its own evaluation report;

*) By derogation from the provisions of art. 30 letter c), in case of a state of alert, the accreditation department appoints a panel of evaluation and accreditation experts, which shall analyse the internal evaluation report, checks compliance with the standards per the domains and criteria set forth at art. 10 at the requesting institution, by correspondence and online, and drafts its own evaluation report.

d) the accreditation department of the quality assurance agency validates the experts' report by checking compliance with the external evaluation methodology, and the agency proposes to the Ministry of Education and Research to award or, as applicable, not award the authorisation for provisional operation;

e) for pre-university education providers, the authorisation for provisional operation shall be granted based on the favourable endorsement of ARACIP, by order of the Minister of Education and Research;

f) for higher education providers, the authorisation for provisional operation shall be granted based on the favourable endorsement of ARACIS and of the Ministry of Education and Research, by Government decision.

Art. 31

The accreditation procedure includes the following activities:

a) the education provider authorised to operate provisionally drafts an internal evaluation report, using the standards specific to the accreditation stage as terms of reference;

- b) the internal evaluation report is submitted to the accreditation department of the quality assurance agency with a request to initiate the external evaluation and accreditation procedure;
 - c) the deadline for submitting the request for accreditation is 2 years from graduation of the first cohort, under the sanction of the authorisation for provisional operation being withdrawn Ministry of Education, Research, Youth and Sports;
 - c¹) the deadline for submitting the application for accreditation of a level of education or a specialisation/qualification, study programme in the pre-university education system is maximum 3 years from the full graduation of a level of education by the first cohort, under sanction of schooling under liquidation, with no right to organise admission. The duration of the pre-school level is 3 years;
 - d) the accreditation department appoints a panel of evaluation and accreditation experts, which shall analyse the internal evaluation report, performs visits at the requesting institution to check compliance with the standards regarding the domains and criteria set forth at art. 10, and drafts its own evaluation report;**
- *) By derogation from the provisions of art. 31 letter d), in case of a state of alert, the accreditation department appoints a panel of evaluation and accreditation experts, which shall analyse the internal evaluation report, checks compliance with the standards per the domains and criteria set forth at art. 10 at the requesting institution, by correspondence and online, and drafts its own evaluation report.
- e) the accreditation department of the quality assurance agency validates the experts' report by checking compliance with the external evaluation methodology, and the agency proposes to the Ministry of Education and Research the accreditation or, as the case may be, the non-accreditation of the requesting institution;
 - f) for pre-university education providers, their accreditation is granted by order of the Minister of Education and Research, based on the ARACIP endorsement;
 - g) for the higher education providers, accreditation of the institutions takes place by law promoted by the Government and initiated by the Ministry of Education and Research, based on the ARACIS endorsement.

Art. 31¹

- (1) From the date when the authorisation for provisional operation was withdrawn, the pre-university education provider/pre-university education unit shall carry out the schooling process in liquidation, with the obligation to ensure schooling for the pupils until completion of the graduation of that level of education.
- (2) By exception from the provisions of para. (1) if, for justified reasons, it is no longer possible to ensure the schooling of the pupils while maintaining the quality standards, the pre-university education provider/pre-university education unit shall request the local public authorities, the Ministry of National Education, the legal entities of private law or the religious denominations officially recognised by the state which, as applicable, were involved in the setting up of that unit, to proceed to a reorganisation by merger or division, as applicable.
- (3) Within 30 days, the county / Bucharest school inspectorate shall issue a report regarding the quality standards needed for ensuring the schooling and containing proposals for the reorganisation process.

Art. 31²

The deadlines provided at art. 291 para. (2), (3), (5), (8) and (9) also apply in the case of the accreditation procedure described at art. 31.

Art. 32

- (1) The education provider who has been authorised for provisional operation has the right to manage teaching, non-teaching and research staff, as per its own development strategy, and participate in national and international programmes, subject to the terms of the law.
- (2) The accredited education provider is part of the national education system, with all the rights and obligations provided under the law.

Art. 33

- (1) After obtaining the authorisation for provisional operation, the education provider shall implement the internal quality assurance mechanism and draft internal quality evaluation reports, which it shall send annually to ARACIP or ARACIS, as applicable.
- (2) After obtaining the accreditation, the annual internal quality evaluation reports shall be sent to ARACIP or ARACIS, upon request of the agency or by initiative of the education provider, when they request a new external evaluation.
- (3) The education provider and its accredited study programs are subject every 5 years to external evaluation by ARACIP, respectively ARACIS, or by another local or international agency, based on a contract.

Art. 34

- (1) Should ARACIP or ARACIS or some other quality assurance agency from the country or from abroad, registered with the European Quality Assurance Register for Higher Education (EQAR), find that the quality standards are not met, they shall inform the Ministry of Education, Research, Youth and Sports within 5 working days, and the Ministry shall warn the education provider.
- (2) Within one year from the issuance of the report stating the bachelor's studies/master's study domains' non-compliance with the quality standards, the education provider shall request a new evaluation from the quality assurance agency that has performed the previous evaluation. Otherwise, the report drafted as described at para. (1)
 - (1) shall remain final. The costs of the additional evaluation shall be borne by the education provider.
- (2¹) Based on the ARACIP report ascertaining non-compliance of the quality standards by an education provider/education unit, an order of the minister of education is issued for initiation of the liquidation process, with no right to enrol new pre-schoolers and/or pupils, starting in the following year, subject to compliance with the legal provisions in force.
- (3) After completing the procedures provided in para. (1) and (2), in case non-compliance with the quality standards is found, the Ministry of Education, Research, Youth and Sports shall order:**
 - a) ceasing to enrol students in that study programme and ceasing schooling in that study programme for the academic year following the date when the final report stipulated in para. (1) and (2) was issued. The education provider has the obligation to continue schooling for the students enrolled in the academic years prior to the issuing of the final report specified at para. (1) and (2);
 - b) initiation of a Government decision for the closing of that study program.
- (4) Within two years of the issuing of the report ascertaining non-compliance with the quality standards at the level of an institutional evaluation, the education provider shall request a new evaluation from the quality assurance agency that has performed the previous evaluation.

- (5) The education providers for which the non-compliance with the quality standards is ascertained within two consecutive institutional evaluations shall enter the liquidation process.

Art. 35

- (1) Only higher education institutions that are authorised for provisional operation or accredited may carry out higher education activities and use the name of university or other similar names.
- (1¹) Only pre-university education units that are authorised for provisional operation or accredited may carry out pre-university education activities and may use the names of high school, school, kindergarten or similar.
- (2) The carrying out of pre-university and higher education activities, as well as the issuing of study documents in other conditions than those provided by this law constitute infringements under the Criminal Code of Law and shall be punished according to the Criminal Code of Law.
- (2¹) Carrying out pre-university education activities in violation of the legal provisions on the treatment of pupils / pre-schoolers, the use of non-qualified personnel or fraudulent management of financial resources leads to the withdrawal of the education provider's operation authorisation and/or the dissolution of that school.
- (3) The notification of the criminal investigation bodies is filed by the Ministry of Education and Research or by any other natural or legal entities the rights of which were violated by the operation of that institution.

CHAPTER VI: Transitional and final provisions

Art. 36

- (1) The education providing organisations shall apply the internal quality evaluation mechanisms set forth in this emergency ordinance experimentally, starting with the second semester of the 2005-2006 school year, respectively of the 2006-2007 academic year.
- (2) In the 2006-2007 school year, respectively academic year, ARACIP and ARACIS shall apply the external evaluation procedures for quality assurance experimentally. By 1 September 2007, ARACIP and ARACIS shall prepare a detailed report on the results of the evaluation.

Art. 37

- (1) In the case of pre-university and higher education institutions which, on the date of coming into force of the law by which this emergency ordinance is approved, are in the process of being authorised for provisional operation or accredited, the provisions of Law no. 88/1993 on the accreditation of higher education institution and the recognition of diplomas, as reissued, and the provisions of Government Ordinance no. 87/1998 on evaluation and accreditation in pre-university education, approved as amended and supplemented by Law no. 196/1999 shall be applied by the National Council for Academic Evaluation and Accreditation, respectively the National Commission for Evaluation and Accreditation of Pre-University Education, until the end of the process, but no later than 6 months from the date of entry into force of the law approving this emergency ordinance.
- (2) The interested organisations may submit new applications for provisional operation authorising or for accreditation only after 6 months from the entry into force of the law approving this emergency ordinance.

Art. 38

Within 30 days from the entry into force of this emergency ordinance, the headquarters, organisational chart and operating regulations of ARACIS, respectively of ARACIP, shall be submitted for approval by Government decisions.

Art. 39

3 months after the entering into force of this emergency ordinance, Law no. 88/1993 on the accreditation of higher education institutions and recognition of diplomas, as reissued, as well as Government Ordinance no. 87/1998 on the evaluation and accreditation in pre-university education, approved as amended and supplemented by Law no. 196/1999, art.18 para. (3), art. 23 para. (2), art. 56 para. (1), art. 106 para. (2), art. 107, art. 113 and by art. 148 par. (1) of Education Law no. 84/1995, republished, as further amended and supplemented, as well as any other contrary provisions shall be repealed.

Art. 40

All education institutions and units that operate legally at the date of entry into force of this emergency ordinance shall retain their status and are subject to the provisions of this emergency ordinance.

PRIME MINISTER CĂLIN POPESCU-TĂRICEANU Countersigned by: Minister of Education and Research, Mircea Miclea Minister of Labour, Social Solidarity, and Family, Gheorghe Barbu Minister of Public Finance, Ionel Popescu

Published in the Official Gazette no. 642 of 20 July 2005